

R E M A R K S

- Claims **1-181** were pending in the application. Claims 1 – 181 have been **cancelled** herein, without prejudice or disclaimer. Claims 1 – 181 were not cancelled for any reason related to patentability but rather to expedite prosecution of the application and allowance of the claims added herein. Applicants will pursue the subject matter of the cancelled claims in a continuing application.
- Claims **182 – 225** have been **added** herein. Claims 182 – 225 are directed to subject matter disclosed in the Application as originally filed.

I. RCE

The present amendment is being filed in response to a Final Office Action, after which all claims stand as rejected. To continue prosecution of the present application, Applicants have filed a Request for Continued Examination herewith. Accordingly, Applicants request that Examiner continue prosecution of the application and kindly examine the claims submitted herein.

II. TELEPHONE INTERVIEW

Applicants thank Examiner for extending the courtesy of a telephone interview on March 12, 2003 and again on March 20, 2003. Discussed during the interviews were embodiments of the invention dealing generally with monitoring a remote location to, for example, determine the security of the location. Applicants gratefully acknowledge Examiner's statement during the March 12, 2003 interview that neither Acosta nor Von Kohorn teach such a concept and Examiner's acknowledgment that Von Kohorn teaches an interactive game system for viewers of a television program, a system for carrying out a "focus group", rather than a system for monitoring the security of a remote location. Discussed during the March 20, 2003 interview was claim 182 as submitted herein, and the patentability thereof in view of Acosta and Von Kohorn. Applicants gratefully acknowledge Examiner's statement that this claim is patentable over Acosta and Von Kohorn. Applicants have submitted herein the claim 182 in substantially the same form as considered by Examiner during the telephone interview on March 20, as well as

other claims directed to similar embodiments. If Examiner, upon examining the claims submitted herein, has any further concerns regarding the patentability or form of any of the newly submitted claims, Applicants sincerely invite Examiner to contact Applicants' representative Magdalena M. Fincham at (203) 461 – 7041 in order to expeditiously resolve any such concerns.

III. CLAIMS PENDING BEFORE PRESENT AMENDMENT

Claims 1 – 181 were pending in the present Application before the amendments made herein. Claims 1 – 181 stood as rejected under 35 U.S.C. §

Claims 1 – 181 stood rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,166,729 to Acosta et al. (referred to herein as “Acosta”) in view of U.S. Patent No. 5,759,101 to Von Kohorn (referred to herein as “Von Kohorn”). Since claims 1 – 181 have been cancelled herein, the rejections thereof are now moot. However, Applicants briefly respond to some of the issues raised in these rejections, as they may potentially pertain to the new claims 182 – 225 submitted herein.

IV. NEWLY PRESENTED CLAIMS

Newly presented claims 182 – 225 are directed to one or more embodiments of the present invention wherein a remote location is monitored (*e.g.*, to determine the security of the remote location). A feature recited in each of the newly presented claims and consistent with one or more embodiments of the disclosed invention comprises, generally:

- Determining a status of the remote location based on a response to an image of the remote location (or based on a response to data descriptive of the remote location),
 - wherein the response is a response received from a user or remote viewer to whom the image or data was provided,
 - wherein the status is determined to be a first status if the response is a first response, and
 - wherein the status is determined to be a second status if the response is a second response.

Such a feature is not taught or suggested by Von Kohorn or Acosta, alone or in combination, nor by any other prior art of record. In neither Von Kohorn nor Acosta is a status of a remote location determined based on a response to an image of the remote location or data descriptive of the remote location, the response being a response from a user or viewer to whom the image or data descriptive of the remote location has been provided.

In Von Kohorn, an interactive game is conducted by enabling remote game participation, such as by enabling a remote game participant to answer survey questions that are posed by a host of a game show via a television broadcast of the game show. In conducting such an interactive game, however, the status of a location is never determined based on a response from a remote game participant (or even based on a response from the studio audience). That may be because, in Von Kohorn, any relevant status of a location is already known by means other than a response from a remote game participant (*e.g.*, known from the perception of other persons present at the remote location, such as the game show host or crew). In Von Kohorn the response from a remote game participant is simply compared to a known information (*e.g.*, a predetermined response stored in memory) to determine whether it is correct or not. In some embodiments of Von Kohorn, a remote game participant can attempt to predict the outcome of a measurable event (*e.g.*, outcome of a roulette wheel spin or a race). In such embodiments, the remote game participant's prediction is compared to an actual outcome of the event as determined from sources other than the response of the viewer. In such embodiments, the actual outcome of the event, even if characterized as a status of a remote location, is not determined based on the game participant's prediction. Accordingly, Von Kohorn does not teach or suggest determining a status of a location based on a response received from either a viewer of an image of the remote location or from a user who obtains data descriptive of the remote location.

In Acosta, images of a remote location are obtained, managed and made available to registered persons. However, a response to such images from the registered persons is not received in Acosta. Even if a response from a registered person to such an image were received in Acosta, which it is not, Acosta does not teach or suggest determining a status of the remote location based on such a response. Accordingly, Acosta does not teach or suggest determining a status of a location based on a response from either a viewer of an image of the remote location or a user who obtains data descriptive of the remote location.

No Motivation to Combine Von Kohorn and Acosta

Applicants note that no motivation of why a person of ordinary art would have combined Von Kohorn and Acosta has been provided. Such a motivation must be expressly found in the references themselves in order for references to be properly combined under §103(a). Applicants note that Examiner has noted that a person of ordinary skill in the art would have been motivated to combine the references because the combination would allegedly have resulted in some claimed aspects of Applicants' invention. However, Applicants respectfully note that a statement that the combination of references would result in a desired result (*i.e.*, the desired result being a claimed aspect of Applicants' invention) is not a sufficient motivation to combine the references. The references themselves must suggest such a combination, without benefit of first reading Applicants' invention to obtain the suggestion.

For example, Examiner noted that combining the reward method of Von Kohorn with the Acosta method would have been obvious to one of ordinary skill in the art "to ensure the user's interaction with the transmitted event." (pgs. 11 and 13, respectively, of paper no. 17). However, nothing in Acosta suggests that it is desirable to ensure a user's attentiveness or interaction with images of a remote location. The users in Acosta pay for access to images of remote locations, regardless of whether the users "pay attention" or "interact" with the images. In fact, there is no teaching, suggestion, or enablement in Acosta for users to "interact" or otherwise show attentiveness to the images the users access. In Acosta, there is no teaching that there is a detriment to anyone (other than perhaps the user, who pays for access to the images) if the user does not pay attention or interact with the images. Thus, there is no motivation to ensure a user's attentiveness or interaction with the images. Acosta is mainly directed to a system for a proprietor of a location (*e.g.*, a business owner) to access images of his location remotely. Such a user is motivated for personal reasons to pay attention to the images (*e.g.*, to make sure his business is secure), again providing no motivation for another entity to ensure the attentiveness or interaction of the user with the images. If Examiner maintains the combination of Von Kohorn and Acosta to reject any of the newly submitted claims 182 – 225, Applicants respectfully request that Examiner particularly point out in the references a suggestion or motivation of why one of ordinary skill in the art, at the time of Applicants' invention, would have been motivated to combine these references in the manner suggested by Examiner.

Applicants also note that Von Kohorn is directed to a non-analogous field and addresses a non-analogous problem than Applicants' invention. Von Kohorn is directed to a system and method for conducting an interactive game. Applicants' methods and systems are not directed to conducting a game but are rather directed to methods and systems for monitoring the security of a remote location. For this reason, Applicants respectfully submit that Von Kohorn is not properly combinable with Acosta.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number 203-461-7337 or via electronic mail at Mfincham@walkerdigital.com.

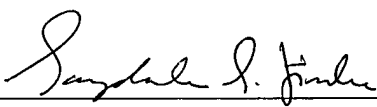
Petition for Extension of Time to Respond

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$465.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

March 24, 2003
Date


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